**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**FARAD CONTINUNATION SHEET**
**CIVIL APPLICATION NO.3005 OF 2005**
**IN**
**FIRST APPEAL NO.129 OF 1996**

| **Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.** | **Court's or Judge's orders** |
|---|---|

Mr.Dushyant Patekar h/f Mr.Rajiv Patil for the Applicant

**CORAM: A.S.OKA, J.**
**DATE : FEBRUARY 23,2007.**

**P.C.:**

1. Heard Advocates for the parties. The order dated 25th January 2007 is recalled. Perused the Affidavit in reply. The First Appeal preferred by the State of Maharashtra is pending.

2. If there is a delay in filing the cross objection, it is not necessary to invoke the provisions of section 5 of the Limitation Act,1963. The Appellate Court possesses a power under Order XLI Rule 22 of the Code of Civil Procedure, 1908 to extend the time for filing the cross objection. The Appeal preferred by the State of Maharashtra for challenging the impugned Award is not likely to be heard in near future. Hence, this is a fit case for extending the time to file cross objection. Hence, Civil Application is

allowed.

**JUDGE**